

Remarks/Arguments:

Claims 9-18 are pending in the application. Claims 9, 17 and 18 are independent.

In the Final Office Action dated November 1, 2006, claims 9-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over British Patent UK 2041122 ("Farr") in view of U.S. Patent No. 6,374,939 ("Hohnstadt et al."). The pertinence of this prior art combination to claims 17 and 18 was not explained. Applicant submits that the failure to explain the basis for rejecting claims 17 and 18 fails to comply with MPEP § 706 and 37 C.F.R. § 1.104(c)(2), the latter of which is provided below:

37 CFR 1.104 Nature of examination.

(c) Rejection of claims.

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. ***The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.***

(Emphasis added). The pertinence of Farr and Hohnstadt, et al. to claims 17 and 18 is not apparent, either in the references themselves or from the Office Action's discussion of claims 9-16. Claim 17 recites "a rigid locking element that connects the floating caliper with the brake holder, the rigid locking element preventing radial movement of the floating caliper." Farr does not disclose a rigid locking element that prevents radial movement of the caliper. Instead, Farr discloses an elastic spring 19 that allows radial movement of the caliper. The deficiency in Farr is not overcome by combining Farr with Hohnstadt, et al., which is cited merely to show an elongated mounting hole.

Claim 18 recites a "locking element being radially adjustable to fix the floating caliper in a first position, in which a radial clearance is provided between the floating caliper and the brake holder, and radially adjustable to fix the floating caliper in a second position, in which the floating caliper engages the brake holder with no radial clearance." The spring 19 in Farr is elastic and does not fix the caliper at all. Moreover, it does not fix the floating caliper in a

position in which the floating caliper engages the brake holder with no radial clearance. The drawings show the caliper 10 fixed in only one position in which a radial clearance is provided between the caliper and brake holder (see Fig. 2). These deficiencies in Farr are not overcome by combining Farr with Hohnstadt, et al., which, as stated above, is cited merely to show an elongated mounting hole.

Based on the foregoing, Applicants respectfully request that the rejection of claims 17 and 18 be withdrawn, because the rejections are not readily apparent from the references and are not explained at all in the final Office Action.

Applicants further request reconsideration of the interpretation given to the term "locking element" in the claims. Throughout prosecution, the Patent Office has interpreted the term "element" to read on three separate components that are entirely unrelated to one another, namely the arm 5A, the limb portion 13 of the caliper, and the elastic spring 19. The term "element" is singular, and can not be characterized, even in the broadest sense, as reading on a group of parts that are completely separate from one another.

To preserve all of the foregoing issues for appeal, Applicant raises each herein and respectfully requests that all claim rejections be withdrawn. If the Examiner believes that issues remain regarding the allowability of the claims, the Examiner is encouraged to contact the undersigned at (610) 407-0700. At a minimum, Applicant respectfully requests that prosecution be reopened so that the basis of any rejection of claims 17 and/or 18 can be provided, giving Applicant a fair opportunity to respond.

Respectfully submitted,



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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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